

New Freedom of Information Act Legislation Effective January 1, 2010

New legislation was recently enacted bringing significant changes to the procedures by which Freedom of Information Act requests must be received and processed by public bodies in the State of Illinois. This new legislation, Public Act 96-0542, is effective **January 1, 2010**.

Key points all employees need to be aware of include, but are not limited to:

1) The Illinois Freedom of Information Act is a state law providing members of the public the right to access public records.

- This includes not only records prepared and maintained in paper format but electronic records, such as directory information and e-mail correspondence. A full definition of “public records” can be found in the new legislation (see the link provided in #8 below).
- Anyone can submit a Freedom of Information Act (FOIA) request.
- Anyone requesting access to, or copies of, University public records who is not requesting the records in order to conduct University business as a part of his/her job function, must submit a FOIA request. This includes requests for directory information from individuals, students and student groups, businesses, etc.

2) SIU Freedom of Information Act Officers are as follows:

- President’s Office and Board of Trustees Tami Carson 536-3340 tlcarson@siu.edu
- Carbondale Campus Christina Sayles 453-7934 csayles@siu.edu
- Edwardsville Campus Bob Vanzo 650-2536 rvanzo@siue.edu

The FOIA Officer for each campus receives and tracks all FOIA requests; works with the Office of General Counsel to determine an appropriate response to each request; prepares and signs all FOIA correspondence; and releases any records or portions thereof granted in response to a FOIA request.

3) Some of the new procedural requirements are as follows:

- All Freedom of Information Act requests must be submitted in writing to the appropriate FOIA Officer (see above). The University can no longer require requesters to complete a standard request form; the University can *ask* that requesters complete its form but can only *require* that the request be in writing.
- Any FOIA requests received directly by any employee other than the FOIA Officer must be date and time stamped by the receiving employee and immediately forwarded to the appropriate FOIA Officer by e-mail or fax, with the original request to follow separately via campus mail.

4) New statutory response deadlines are as follows:

- The statutory response time for all non-commercial FOIA requests has been reduced from seven (7) working days to five (5) business days. Commercial requests will now have a 21-business day response time. Extensions of response deadlines are allowable under certain conditions as specified in the new legislation and will be issued by the FOIA Officer as required.
- Statutory response deadlines now begin from the date an employee of the University – not specifically the FOIA Officer but *any* employee of the University – receives a request. Therefore, it is imperative that any employee receiving a request directly either by mail, e-mail, fax, or in person contact the FOIA Officer immediately regarding the request (see #3 above).

5) New fee structure:

- The University now cannot charge for the first 50 single-sided, black and white pages copied and can charge no more than 15¢ per additional page copied after the first 50 pages. Requesters can contact the FOIA Officer with any questions regarding charges for color or electronic copies.
- The University cannot charge for the cost of gathering or reviewing records.
- All copies to be released and fees to be assessed are handled by the FOIA Officer.

6) Penalties for non-compliance:

- The University could be subject to civil penalties of \$2,500 to \$5,000 per violation.

7) For a list of Frequently Asked Questions and responses from the Illinois Attorney General's Office regarding the new legislation, follow the links at:

<http://www.illinoisattorneygeneral.gov/government/index.html>

8) A complete copy of the new legislation can be found on the Illinois General Assembly's website at <http://www.ilga.gov/legislation/default.asp> (follow the links to SB189).

9) SIUC's Freedom of Information Act Policy page and suggested request form can be found at <http://policies.siuc.edu/policies/foia.html>. The University's FOIA policy and webpage will be updated as soon as possible to reflect the changes in the Law effective January 1st.

10) Contact the FOIA Officer with any questions or concerns regarding the requirements of the University under the new legislation.